IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Samuele Vinati, et al.	Date: April 12, 2006
Serial No.: 09/880,147	Group Art Unit: 2135
Filed: June 14, 2001	Examiner: Hosuk Song

For: METHOD FOR CONTROLLING ACCESS TO A DATA COMMUNICATION NETWORK, WITH USER IDENTIFICATION

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §1.192

Sir:

This appeal concerns the propriety of the Examiner's final rejection dated June 14, 2005 in connection with the above-identified U.S. patent application. In support of the Notice of Appeal filed January 11, 2006, the present Appeal Brief is presented.

I. REAL PARTY IN INTEREST:

The real party in interest in the above-identified application is: GESTWEB S.p.A..

II. RELATED APPEALS AND INTERFERENCES:

There are no related appeals or interferences of which applicant is aware regarding the above-identified U.S. patent application.

III. STATUS OF CLAIMS:

Claims 1-2 stand rejected under 35 U.S.C. §102(e).

Claims 4-7 stand rejected under 35 U.S.C. §103(a).

Claim 3 has been canceled.

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IV. STATUS OF AMENDMENTS:

There are no un-entered amendments to the claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

The claims recite a method for controlling access to a site on a data communication network by associating the age of a user 1 (Figs. 1 and 2) with the address 7 of the site (page 3, lines 17-19). In accordance with the features set forth in claim 1, a service provider 2 (Figs. 1 and 2) establishes for the user 1 a connection to the network. An age identifier, for example age identifier 1B (Fig. 2), is provided that is suitable to define the age of the user 1 (page 3, lines 16-17). A network address 7 that represents a site to which the user intends to connect is received, and the network address is automatically associated with the age identifier (page 3, lines 17-19). The user 1 is allowed to connect to the site as a function of the age identifier (page 3, lines 26-28).

Other features, defined in dependent claims 4-7, include providing the age identifier in a network navigation program 1a (Fig. 2), for example, a standard web browser software application (page 4, lines 18-23). The user's network navigation 9 is controlled when the age identifier that is associated with the site by the network navigation program 1a reveals the user 1 is a minor (page 4, lines 4, lines 3-4). Alternatively, if the user is an adult, the network navigation 8 is unrestricted (Fig. 2, page 3, lines 26-27).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

The following grounds of rejection are presented for review:

1.   Whether claims 1-2 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Libman et al., U.S. Patent No. 6,608,814.

2.   Whether claims 4-7 are unpatentable under 35 U.S.C. §103(a) as being obvious over Libman et al., U.S. Patent No. 6,608,814.

Claims 1-2 and 4-7 stand or fall together.

VII. ARGUMENT:

Claims 1 and 2 were improperly rejected under 35 U.S.C. §102(e)

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by Libman et al. ("Libman," U.S. Patent No. 6,608,814).

In accordance with applicants' claim 1, an "age identifier" relating to a user's age is transmitted to at least one of a network site, a service provider and the user. Claim 1 defines that a network address of the network site specified by the user is "associated" with the age identifier, and the user is allowed to connect to the site as a function of the age identifier. Thus, in accordance with the invention defined in claim 1, any Internet web site can be made aware that a minor is attempting to connect thereto, and the web site owner can take appropriate steps, for example, to restrict access to the site.

Libman et al. do not teach or suggest the combination of features defined in applicants' claim 1. Libman et al. teach a session resource manager (SRM) 10 that contains a SRM connection manager 14, a SRM connection manager database 16 and a SRM access server 18. Once a subscriber to an asynchronous transfer mode ("ATM") network is authenticated and allowed to connect to the network, the service resource manager access server 18 provides a personalized Services Menu to the subscriber 12, which enables the subscriber to choose from various menu options of services provided by a network provider. Parameters regarding subscribers are stored in the database 16, and the SRM connection manager 14 allows or disallows access to certain services, accordingly.

In the Advisory Action, the Examiner states "Libman disclose subscribers specific information such as network address and age group is used for authentication[.]" In the Final Office of June 14, 2005, the Examiner cites to column 8, lines 35-66 to Libman et al. and states that Libman et al. teach "automatically associating [a] network address with [an] age identifier and allowing the user to connect to [sites] as a function of [the] age identifier." Applicants respectfully disagree.

Unlike applicants' claim 1, Libman et al. do not *associate* network addresses of sites with an age identifier. Instead, profile information regarding a subscriber is retrieved from the SRM connection manager database 16, and a personalized menu that corresponds to the retrieved profile is provided to the subscriber for selection of services. The personalized menu includes

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access to sites that correspond with the profile. Therefore, unlike applicants' claim 1, the invention in Libman et al does not include applicants' claim 1 steps of "receiving by [a] user a network address of a site" and "automatically associating the network addresses with [an] age identifier" because subscribers in Libman et al. are restricted to a selection of network sites that are provided in personalized menus.

Accordingly, the invention in Libman et al. is patentably distinct from applicants' claim 1, and claim 1 is allowable over Libman et al.

Claim 2 depends directly from claim 1 and is, therefore, patentable for the same reasons as well as because of the combination of features set forth in claim 2 with the features in claim1.

Claims 4-7 were improperly rejected under 35 U.S.C. §103(a)

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being patentable over Libman. Applicants respectfully traverse this rejection.

The Examiner has taken "Official Notice" that network navigation programs are well known in the art. Notwithstanding this conclusion, Libman does not teach or suggest applicants' claim 1 feature of "automatically associating" a network address with an age identifier. Furthermore, in particular with regard to claims 4 and 6, Libman et al. do not teach or suggest the features of receiving from a user an age identifier in a network navigation program (e.g., a web browser software application), nor associating an age identifier with a network site directly by a network navigation program. Therefore, claims 4-7 depend directly from claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in claim 1.
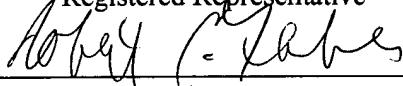
VIII. CONCLUSION:

Applicants' claims 1-2 and 4-7 are allowable.

Check No. 24235 in the amount of $250.00 (small entity) to cover the fee for filing an Appeal Brief is enclosed. Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 12, 2006:

Respectfully submitted,

Robert C. Faber	Robert C. Faber
Name of applicant, assignee or	Registration No.: 24,322
Registered Representative	OSTROLENK, FABER, GERB & SOFFEN, LLP

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Signature

Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

_____
April 12, 2006
Date of Signature

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CLAIMS APPENDIX

1. A method for controlling a user's access to a computer network, the method comprising:

    establishing by a service provider a connection to a data communication network for said user;

    providing over said network a user age identifier which is suitable to define said user's age, wherein said step of providing said user age identifier includes transmitting to at least one of a site, said service provider and said user, age information related to said age identifier;

    receiving by said user a network address of a site to which the user intends to connect;

    automatically associating said network address with said age identifier; and

    allowing said user to connect to said site as a function of said age identifier.

2. The method according to claim 1, wherein said step of providing over said network said user age identifier includes verifying data regarding said user and comparing said data with a database which contains profiles of users registered with a service provider suitable to provide said connection.

Claim 3 (canceled).

4. The method according to claim 1, wherein the step of providing over said network a user age identifier further comprises receiving from said user said age identifier in a network navigation program used by said user to connect to said data communication network.

5. The method according to claim 1, wherein said step of allowing said user to connect to said site includes unrestricted network navigation when said age identifier reveals said user is an adult user.

6. The method according to claim 1, wherein said age identifier is associated with said site keyed in by said user directly by a network navigation program used by said user.

7. The method according to claim 1, wherein said step of allowing said user to connect to said site includes controlling network navigation if said age identifier reveals said user is a minor.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.